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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/767,925	01/23/2001	Kaius Kiiren Polikarpus	DP-300566	1447	
7.	590 07/16/2002				
VINCENT A. CICHOSZ DELPHI TECHNOLOGIES, INC. Legal Staff Mail Code: 480-414-420			EXAMINER OLSEN, KAJ K		
			1744	-	
			DATE MAILED: 07/16/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

1) Responsive to communication(s) filed on	4				MF-3				
Office Action Summary Garding Communication Communicati	,	Applic	ation No.	Applicant(s)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _f MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY DERIOD FOR REPLY IS SET TO EXPIRE _f MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. The period for reply specified above is less than theirly (8) days, a reply within the stationy minorum of hirty (20) days will be considered streety. If the period for reply specified above is less than theirly (8) days, a reply within the stationy minorum of hirty (20) days will be considered streety. If the period for reply specified above is less than theirly (8) days, a reply within the stationy minorum of hirty (20) days will be considered streety. If the period for reply specified above is less than theirly (8) days, a reply within the stationy minorum of hirty (20) days will be considered streety. If the period for reply specified above is less than their emotities after the making date of the communication, even if streety (84) days are period on the stationy and the streety (84) days are period on the stationy and the streety (84) days are period on the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Status		į.	,925	POLIKARPUS ET	AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exharisors of term may be waited under the procision of 37 CFR 1.79(ii), in no event, however, may a reply be timely filed Exharisor of term may be waited under the procision of 37 CFR 1.79(iii) in no event, however, may a reply be timely filed If the period for reply specified above is bises than field (30 days, a reply within the statutory minimum of thirty (40) days will be considered timely. If the period for reply specified above, in maximum statutory priorid wall pays and will expire (50 (b)MCHTS from the mailing date of this communication. Fallow the reply which the set of exharisor days will, by statutor, minimum and the reply within the statutory minimum and pays and will expire (50 (b)MCHTS from the mailing date of this communication, even if timely filed, may reduce stary seamed plates term adjustment. Sea 37 CFR 1.79(b). Status 1) Responsive to communication(s) filed on	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
2a	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any								
3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) <i>1</i> -35 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are objected to. 8) ○ Claim(s) is/are objected to. 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. **Matchment(s)** All interview Summary (PTO-413) Paper No(s). 5) □ Notice of Informal Patent Application (PTO-152)	1) Responsive to communication	(s) filed on							
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			5) Notice of Informal F						

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-32, drawn to a method of manufacturing a sensor, classified in class156, subclass 89.11.
 - II. Claim 33, drawn to a sensor, classified in class 204, subclass 424.
 - III. Claims 34 and 35, drawn to method of using a sensor, classified in class 205, subclass 784.5.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case because the product does not appear to be bound by the particular method of the process (see claim 33), the product can be made by individually sintering the various components before assembly.
- 3. Inventions III and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process of

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sensing can be performed with a sensor having a zirconia body that does not have alumina intermixed within.

- 4. Inventions I and III are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).
- 5. With respect to the final sentence of the preceding paragraph about the product being examined with either process of making or the process of using, this sentence does not appear to apply in the instant situation because the examiner has already shown distinction between all three inventions (see 37 CFR 1.141).
- 6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 7. A telephone call was made to Vincent Cichosz on 7-12-2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaj Olsen whose telephone number is (703) 305-0506. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden Sr. can be reached on 703-308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 305-5408 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Kaj K. Olsen

Patent Examiner

AU 1744

July 12, 2002